

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT CLARK, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WHITEPAGES, INC, a Delaware
Corporation,

Defendant.

CASE NO. 2:25-cv-00810-TL
ORDER ON STIPULATED MOTION

This matter is before the Court on Defendant's Stipulated Motion to Extend Deadline to Respond to First Amended Class Action Complaint and Set Briefing Schedule. Dkt. No. 27. Having considered the stipulated motion and the relevant record, the Court GRANTS the motion, ADOPTS the Parties' proposed briefing schedule, and further STRIKES as moot Defendant's pending motion to stay (Dkt. No. 21).

Plaintiff filed a First Amendment Complaint (FAC) within the time allowed for amendment as a matter of course. Fed. R. Civ. P. 15(a)(1)(B); *see* Dkt. No. 26 (FAC). When a Plaintiff amends a complaint, it supersedes and completely replaces the original complaint. *See*

1 *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir.1990) (“an amended
 2 pleading supersedes the original”); *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir.1967) (same). As
 3 such, the Parties agree here that the FAC renders moot Defendant’s pending motions to dismiss
 4 (Dkt. No. 19) and to strike class allegations (Dkt. No. 20). Dkt. No. 27 at 1. The Court will strike
 5 these motions, and Defendant may file new motions based on the now-operative complaint.

6 For the briefing on these motions, and on Defendant’s anticipated special motion for
 7 expedited relief pursuant to Washington’s Uniform Public Expression Protection Act, RCW
 8 4.105 *et seq.*(“UPEPA Motion”), the Parties have agreed on the following briefing schedule:

Event	Deadline
Defendant shall file Motion to Dismiss, Motion to Strike Class Allegations, and UPEPA Motion (after providing adequate written notice under RCW 4.105.020(1)), all noted for consideration on August 27, 2025	July 16, 2025
Plaintiff shall file opposition briefs	August 13, 2025
Defendant shall file reply briefs	August 27, 2025

15 Under Local Civil Rule 7(d), default briefing schedules may be modified by Court order. There
 16 has not been a scheduling order entered in this case, so no other deadlines will be affected by the
 17 requested modification. The Court finds there is good cause to adopt the briefing schedule
 18 proposed by the parties.

19 The Parties’ stipulated motion did not address the effect of the FAC on Defendant’s
 20 pending motion to stay (Dkt. No. 21). That motion is also now moot, as its only prayer for relief
 21 is that the Court “stay all deadlines related to Fed. R. Civ. P. 26 and discovery pending resolution
 22 of Whitepages’s Motion to Dismiss and Motion to Strike, filed contemporaneously with this
 23 Motion to Stay, as well as the upcoming UPEPA motion” then planned for June 19, 2025. Dkt.
 24 No. 21 at 2. The justifications asserted for the stay are largely based on the nature of the pending

1 motions and expected UPEPA motion as well. But those motions, all based on the superceded
2 original complaint, are now moot. While the Court has every reason to expect that Defendant
3 will re-file its motions and file a UPEPA motion as it intends, the Court will not order a stay
4 predicated on the adjudication of motions that do not yet exist. The motion to stay will thus be
5 stricken as moot, with leave to refile as appropriate.

6 Accordingly, it is hereby ORDERED:

- 7 (1) Defendant's motion to dismiss the original complaint (Dkt. No. 19) and motion to
8 strike class allegations (Dkt. No. 20) are STRICKEN as moot.
- 9 (2) Should Defendant choose to file motions to dismiss Plaintiff's FAC, to strike the
10 class allegations therein, and/or for expedited relief under RCW 4.105.020, it
11 SHALL do so by **July 16, 2025**, and note the motions for consideration on August
12 27, 2025.
- 13 (3) The Court ADOPTS the Parties' agreed-upon briefing schedule for the motion to
14 dismiss the FAC, motion to strike class allegations, and UPEPA motion. Plaintiff
15 SHALL file any opposition briefs by **August 13, 2025**, and Defendant SHALL file
16 any replies by **August 27, 2025**.
- 17 (4) Defendant's Motion to Stay (Dkt. No. 21) is STRICKEN as moot, with leave to
18 refile as appropriate.

19 Dated this 23rd day of June, 2025.

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21 
22 Tana Lin
23 United States District Judge
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